THE EFFECTS OF POST-TRAUMATIC STRESS DISORDER AND TREATMENT PROTOCOLS ON RAPE VICTIM SURVIVORS*

Abstract

Post-Traumatic Stress Disorder (PTSD) is a mental health condition that is caused by extremely stressful or terrifying event- either being part of it or witnessing it. Its symptoms may include flashbacks, nightmares, severe anxiety and uncontrollable thoughts about the event. Rape on the other hand is an unlawful sexual activity and usually sexual intercourse carried out forcibly or under threat of injury against a person's will or with a person who is beneath a certain age or incapable of valid consent because of mental illness, mental deficiency, intoxication, unconsciousness or deception. The aim of this work is to find out the effects of PTSD on rape victims and how to deal with the said effects. The finding of the work is that rape victims experience Post-Traumatic-Stress Disorder (PTSD) in different forms and various degrees and that therapy and medicine are the best form of treatment for PTSD victims. The doctrinal method was used for the work. The work recommends that more work be done on the topic on underage rape victims.

Keywords: Post-Traumatic Stress Disorder, Treatment Protocols, Rape Victim Survivors, Mental health

1. Introduction

Section 357 of the Criminal Code Act[1] applicable in Southern Nigeria defines rape as follows:

> Any person who has unlawful carnal knowledge of a woman or girl without her consent, or with her consent if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm or by means of false and fraudulent representation as to the nature of the act or in the case of a married woman, by personating her husband, is guilty of an offence which is called rape. Section 358[2] of the same Act states that the punishment for the offence of rape is imprisonment for life. Carnal knowledge is a word in the offence of rape. Section 6 of the Act states that the offence of rape is complete upon penetration and unlawful carnal knowledge is one which takes place otherwise than between husband and wife

On the part of the penal code, Section 282[3] of the Penal Code Act which is applicable in Northern Nigeria defines rape as follows:

> (1) A man is said to commit rape who... has sexual intercourse with a woman in any of the following circumstances: -
> a) Against her will.
> b) Without her consent.
> c) With her consent, when her consent has been obtained by putting her in fear of death or hurt.
> d) With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is the man whom she is or believes to be lawfully married.
> e) With or without her consent when she is under fourteen years of age or of unsound mind.
> (2) Sexual intercourse by a man with his wife is not rape, if she has attained to age of puberty.

In *Norman v State*[4] the Court of Appeal per Abubakar Sadiq Umar defined rape thus:

> ...at Common Law, it is unlawful sexual intercourse committed by a man with a woman not his wife through force and against her will. Generally, the Common Law crime of rape required at least a slight penetration of the penis into the vagina. In other words, the offence of rape is the unlawful carnal knowledge of a woman or a girl without her consent or with her consent, if the consent is obtained by force, or by means of threats or intimidation of any kind or by means of false and fraudulent representation as to the nature of the act, or in the case of a married woman, by personating her husband.

One common denominator of these legal definitions of rape in Nigeria is that the definitions presume only penetration of a vagina by the penis. This definition nails the pains of women and girls who are raped with the use of foreign object including sex toys or who are orally penetrated with tongue or who are penetrated with the finger of the rapist against the woman or girl's consent.

The definition of rape by the Nigerian Law is discriminatory because the definition considers women and girls only and forgets men and boys who without their consent are forced to have sex with their women perpetrators. The definition of rape is also discriminatory on women whose vagina are penetrated with solid soft objects, sex toys, finger and tongue deep down their vagina. The Violence Against Persons (prohibition) Act, 2015[5] had a better and practical definition of rape when it defined rape thus:

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[1]Criminal Code Act.

[2]Criminal Code Act.

[3]Penal Code Laws of Northern Nigeria.

[4] (2021) LPELR- 53647 (CA) (pp 31-31 paras F-C)

[5] Section 1

a person commits the offence of rape if – he or she intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else; the other person does not consent to the penetration; or the consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false or fraudulent representation as to the nature of the act or the use of any substance or addictive capable of taking away the will of such person or in the case of married person by impersonating his or her spouse.'

2. The PTSD on Victims of Rape Vis-a-Vis their Natural Right to Dignity of Human Person

The 1999 Constitution of the Federal Republic of Nigeria[6] provides for the right of dignity of Human Person. Rape violates this natural and protected right of the dignity of the human person. Section 34 of the 1999 Constitution[7] stated thus: 'Every individual is entitled to respect for the dignity of his person. No person shall be subject to torture, or to inhuman and degrading treatment....' The act of rape in any form, type or perception is un-excusable, very degrading, inhuman and destroys the steady state of any human being physically, mentally, emotionally or otherwise. One of the glaring effects of rape is the fear, the trauma, the tension, the negative emotions and combination of blame and hate that the victim experiences. Post-Traumatic Stress Disorder is the psychological trauma experienced by a rape survivor that includes disruptions to normal physical, emotional, cognitive and inter-personal behaviour[8]. PTSD is a cluster of psychological and physical signs, symptoms and reactions common to majority of rape victims immediately after a rape experience which last for a reasonable time including flash backs that can last for a life time[9]. According to the American Academy of Experts in Traumatic Stress[10], symptoms often present in Rape Trauma includes:

a) Intense fear, helplessness or horror.
b) Repeated and distressing recollections of the event, including images, thoughts, or perceptions. Unable to distinguish between past events and reality. Such incidents are often called 'Flashbacks'.
c) Distressing and or frightening dreams about the event.
d) Associating various words, happenings or 'triggers' to the actual event which then causes a 'flashback'.
e) Avoidance of anything that may 'trigger' a flashback including not talking about the attack itself.
f) Pretending it never happened and an inability to recall anything about the attack (denial).
g) A feeling of numbness, detachment or 'unrealness' about everything.
h) A lack of emotion or inability to feel love or care about anything.
i) A feeling of depression and isolation.
j) A change in sleep patterns. More often or not the ability to sleep or stay awake for any length of time.
k) A lack of concentration.
l) Avoidance of being touched, and shying away from loved ones. Sudden movements may startle.
m) A lack of trust in anyone, even close family or partners.
n) More irritable than usual. Out bursts of anger and crying. Mood swings.
o) A feeling of low self esteem and confidence.
p) A feeling of being dirty or disgusting.
q) Deep embarrassment or shame. Sometimes self blame for events.
r) Bitterness and morbid hatred of the perpetrator, with a preoccupation of how to harm or humiliate them.
s) Loss of appetite or change in eating patterns.

Intrusive Symptoms: Flashbacks[11]

Intrusive symptoms can be described as those where the traumatic event 'intrudes' into everyday life and is re-experienced. These symptoms are often referred to as flashbacks. The event is so real and so vivid it feels like the person is actually experiencing the trauma all over again. It is happening right in front of their eyes and they can't tell what is reality and what is memory. These flash backs can range in severity from mild and brief to long and strong. They can involve both sensory perceptions and motor re-enactment too. During a flashback, the victim may experience vivid images, strong smells or noise. Some may even involve actually acting out a traumatic experience. Sometimes, these flashbacks occur as nightmares or bad dreams too and are more easily recalled upon waking. Sometimes there is no actual reliving of the trauma itself but instead survivors experience a sudden painful emotional breakdown. These can involve crying, anger, or fear for no apparent reason and can occur repeatedly like flashbacks. Flashbacks make victims to feel as afraid, as helpless, and out of control as they are during the actual trauma even when the victim do not consciously remember it.

Avoidance Symptoms[12]

Symptoms of avoidance can be described as an emotional numbness or coldness towards people who are close to the victim. Survivors sheet people out, or push them away. This in turn affects their relationships with those who are often the ones who are trying hardest to help. When survivors are coping with flashbacks, it takes a lot of energy to try to suppress the flood of emotions that threaten to overwhelm them. They find that they have no real emotion left for anyone else and often feel emotionless or numb towards everyone else. Survivors may also have learned to dissociate, to literally not to be there to survive. They automatically 'switch off' during a

[6]As Amended
[7]As Amended
[8]American Psychological Association 'Post-Traumatic Stress Disorder' https://www.apa.org. Accessed 9th April, 2025
[9]National center for PTSD 'Coping with Traumatic Stress Reactions' US Department of Vetran Affairs (2023)
[10]https//www.aaets.org. Accessed 9th April 2025
[11]American Psychiatric Association 'What is Post-Traumatic Stress Disorder' https//www.psychiatry.org. Accessed 9th April 2025
[12]Locket, E 'Understanding Avoidance in PTSD: How to Recognize and Treat it. https: //www.healthline.com.2023

stressful situation because it is too painful to deal with. Numbness makes it hard for survivors to take care of themselves. Feelings are there to tell them how to do that. If you can't tell what you feel, you can't choose healthy behaviours. Another symptom of avoidance of situations or activities that may trigger reminders of traumatic event are commonly referred to as 'triggers'. Other symptoms may worsen when a situation or activity occurs that reminds survivors of the original trauma. Triggers can be people, places, sounds, images, feelings, smells, tastes, films, animals, the tone of someone's voice, body position or sensations, whether conditions, time factor or any combination of things that even remotely resemble traumatic experiences. They can be as subtle, complex and obscure.

Survivors can become so scared of particular situations that their daily lives are ruled by their attempts to avoid them. PTSD victims suffer inability to work out grief and anger during the traumatic event which means that the trauma will continue to control their behaviors without their being aware of it. Depression is a common product of the inability to resolve painful feelings.

Hyper Arousal Symptoms[13],[14],[15]

Real physiological changes occur in the brain of survivors which make them quick to react. They develop defensive mechanism that helps them to live. Sometimes they become hyper vigilant, searching for physical danger everywhere they are and all the time due to hyper vigilance and lack of sleep. It is hard for survivors to concentrate on everyday things and they may do poorly in school and in everyday life that leads them to believe that they are stupid or inept when actually they have a symptom of PTSD. Some survivors may stop sleeping soundly because sleep can get them killed. Survivors often react faster and more completely to sudden noises or movements. These are life saving skills that the survivors feel they need while they are still at risk. According to many men, boys and transgender people regardless of age, gender and orientation, the impact of sexual violence goes beyond sexual violence. The trauma of being raped or sexually assaulted can be shattering, leaving one feeling scared, ashamed and alone or plagued by nightmares, flashbacks, and other unpleasant memories. The world doesn't feel like a safe place anymore. Victims don't trust others and don't even trust themselves. They question their judgment, their self worth and even their sanity. They blame themselves for what happened or believe they are 'dirty' or 'damaged goods'. Relationships feel dangerous, intimacy impossible and on top of that like many rape survivors they struggle with PTSD anxiety and depression.

3. Legal Implications of Highlighting the Effects of Rape on Victims

Judges as well as legal practitioners do not know exactly the full impact and implications of the effect of rape and its long term effects on victims, hence the light sentence and taking any legal loophole or technicalities to free rape victims. It is also the position of this paper that if lawyers know the injurious effect of rape on the victims enumerated above, most lawyers may not accept to defend rape suspects or defend them as their case is but not to go extra mile or do unholy things in connecting and influencing the legal system in favour of the suspect(s). In South African case of *S v MM*[16] Bhoola Aj held thus:

> The brutality and degree of violence used against some of the victims was degrading and dehumanizing. The impact these offences had on all the victims were devastating. What was disconcerting and discomforting was the fact that the victims were helpless and terrified. When some victims tried to escape they were either hunted down, and / or assaulted and then raped. The aggravating factor was that some of the victims even though they were assaulted with serious injuries they were still raped with no consideration been given to the pain they endured from the assaults. *Gender Justice and the scourge of gender base violence calls for stricter and harsher sentences to be imposed* when women's rights are disregarded and women are treated in an undignified manner. The right of equality, human dignity, freedom and security of a person and protection of bodily integrity applies equally to everyone' (italics mine for emphasis).

In another South African case of *SVC*[17] the court succinctly described PTSD in the following words:

> Rape is regarded by society as one of the most heinous of crimes and rightly so. The rapist, does not murder his victim. He murders herself respect and destroys her feelings physically and mentally and his monstrous deeds often hurts her victim and subjects her to a mental torment to the rest of her life, a fate often worse than loss of life.

Still on the need of severe punishment as a result of the traumatic effects of rape on the victim, the south African case of *S v Ncheche*[18] held thus:

> Rape is an appalling and utterly outrageous crime, gaining nothing of any worth from the perpetrator and inflicting terrible and horrific suffering and outrage on the victim and her family. It threatens every woman and particularly the poor and vulnerable. In our country it occurs far too frequently and is currently aggravated by the threat of HIV/AIDS. A woman's body is sacrosanct and anyone who violates it does so at his peril and our legislature and the community at large, correctly expect our courts to punish rapist very severely.

In the Nigerian case of *Oludotun Ogunbayo v The State*[19]**,** his Lordship at page 77 of the records expressed his sadness or sorrow over the rape incident thus:

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[13]American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders (DSM-5®. American Psychiatric pub. 2013 (Goggle School)

[14]Carlson KF, Kehle SM, Meis LA, Greer, N, MacDonald R, Ruths, I *et al* 'Prevalence Assessment and Treatment of Mild Traumatic Brain Injury and Posttraumatic Stress Disorder': a systematic review of evidence. The Journal of head trauma rehabilitation. 2011; 26: 103-115.

[15]Xiong, K; Zhang Y, Y; Qiu, M; Zhang J; Sang L; Wang L *et al* 'Negative emotion Regulation in Patients with Post-traumatic Stress Disorder' Plos one. 2013; 8 e81957. dei:10: 1371/journal.pone.0081957.

[16]SS 52/2022 (2024) ZAGPJHC 134 (9 February, 2024)

[17]1996 (2), SACR 181 C at 186 E-F

[18](A 126/04, A1261/04 (2005) ZAGPHC 21, 2005 (2) SAER 386$^{(w)}$ at para 35

[19](2007) LPELR- 2323 (SC)

> ...My expression of sadness or sorrow relate to the apparent lack of regard for the youth of prosecutrix at the age of 13, the disturbance possibly of her future educational career, the trauma of any recollection of the events leading to this prosecution with her continued residence with accused in that same neighbourhood of theirs and ultimately the realization that someone in the position of the accused a much more matured adult of 27 years of age can evince such sexual desperation over a 13 years old when he obviously is surrounded in his chosen vocation as a leader of a play or theatre group by adults only to prefer for his rape victim a secondary school girl of tender age whose future can be ruined....

Also, in Nigerian case of *Shuaibu Isa v Kano State*[20] the court held thus on the effect of rape on the victim: 'The act of rape is by nature unlawful because the concept involves aggressive carnal knowledge of a female without her consent...Rape is by nature grave, devastating, traumatic. It also reduces the totality of the victim's personality...' In Nigeria, there seems not to be reported decided cases where expert evidence on the Post-Traumatic Stress Disorder (PTSD) on sex victims was presented before the court. The presentation of such evidence will inform the court of widely inversely accepted scientific research of the long term effect rape can have and cause on victims and such research based information and data may change or influence the perspective of sentencing by a judge availed with such scientific evidence in a trial.

4. Treatment And Management of PTSD

PTSD is treated majorly by psychotherapy specifically the Talk Therapy. This therapy involves engagement with a professional trained and licensed mental health professional such as a psychologist, or psychiatrist. Social Workers, Guidance and Counsellors who are trained in the area can be of help. In some jurisdiction like Nigeria where the resort and employment of trained and licensed professionals may be difficult, experienced and significant family members, religious leaders/priest, school guidance and counsellors, doctors and lawyers can be of help. These people provide support, succor education and guidance on how to deal with the problem and restore the general well being of the person.

Assessment

Treament will not be very effective without assessment. As such, a comprehensive detailed assessment of the victim's symptoms will be carried out to ensure that the treatment is aimed at the victim's need and problem. The psychologist, psychiatrist, guidance and counselor, family doctor or person trained and experienced to carry out the assessment will do so. It is after assessment result which will show or diagnose the problem that a matching treatment protocol will be devised. Treat Methods includes:

Cognitive Behaviour Therapy (CBT): According to Clevand Clinic,[21] CBT can be in the form of:

a. *Cognitive processing:* This focuses mainly in changing painful negative emotions and negative beliefs due to the trauma.
b. *Eye Movement Desensitization and Re-Processing (EMDR) Therapy:* This is a structured therapy that encourages the victim to focus on the trauma event or memorize the trauma while simultaneously experiencing bilateral stimulation of eye movements which is associated with a reduction in the vividness and emotion associated with the trauma memories.
c. *Group Therapy*: This is where survivors form a group where they meet at a particular time to discuss their PTSD associated problem and share ideas and skills on how each person deals with her particular problem in such an open sincere and non-judgmental ways.
d. *Prolonged Exposure Therapy:* This therapy uses repeated and detailed imagining of the trauma or repeated exposure to symptoms or situation of the trigger or rape event experience in a safe environment. The essence is to help the victim gain control and power over the scenario and symptom and conquer the fear and learn how to overcome and adapt.
e. *Trauma Focus CBT:* This therapy involves learning about how a victim's body responds to trauma and stress. This will enable the victim survivor to identify and rephrase her problematic thinking and patterns and acquire skills on how to manage the symptom(s)

Medication for PTSD

General Antidepressant and anti-anxiety medications are recommended but it is best advised to be prescribed by a qualified medical doctor.

5. Conclusion

Sexual assault occurs at alarming rate in Nigeria and all over the world. Although there may not be accurate statistics in Nigeria, sexual assault occurs with alarming rate in Canada and North America[22],[23]. Increasing knowledge and understanding of pathologies associated with rape trauma in biological, psychological and sociological domains will help develop more effective treatments for survivors. A dysregulation of Hypothalamic –Pituitary-Adrenal (HPA) axis is observed in survivors of sexual assault and this may be a fundamental cause of the structural and functional abnormalities contributing to PTSD symptoms[24]. Sociological impacts of assault influence the development of PTSD through victim-blaming attitudes and perpetuation of rape myths. Psychological health is compromised following inter personal trauma. Recovery from rape trauma is an individual thing. It involves medications, psychological therapies and education. The most important part of recovery is to empower the survivor and divulge her from the blame syndrome and to put control back into their life than to live in the world of PTSD associated with rape.

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[20](2016) LPELR- 40011 (SC)

[21]Clevand Clinic, 'PTSD (Post Traumatic Stress Disorder): Symptoms & Treatment' https://my.clevandclinic.org

[22]Canadian Federation of Students. No means No-Facts about date Rape/Drug Rape. Canadian Federation of Students 1999 fact sheet, 6 (2) Retrieved March 26, 2005 from http://www.cts-fcee.ca/html/english/reearch/facatsheet s/fs-6 (2) -nmm.pdf' 1999.

[23]National Center for Post Traumatic Stress Disorder. Epidemiological facts about PTSD- a national Center for PTSD fact sheet. Retrieved April 1, 2005. http://www.ncptsd.va.go/facts/generl/fs. epidemiological.html' 2005

[24]Chivers-Wilson K. A. 'Sexual Assault and Posttraumatic Street Disorder' A review of Biological, Psychological and Sociological factors and treatments'. McGill J med. 2006 Jul; 9 (2) 111-118